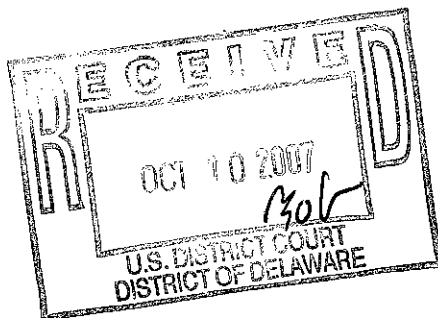


Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570
OFFICIAL BUSINESS

Handwritten: *HTS*
ARK
1190

Raymond E. Blake
SBI# 377092
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977



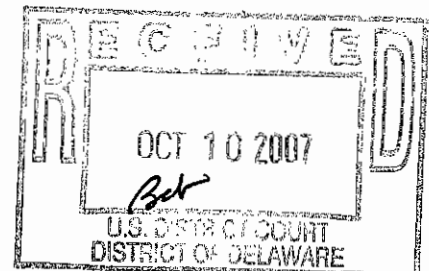
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAYMOND E. BLAKE, ANTHONY M. :
WALKER, MICHAEL A. JOY, NAHEIM: :
HAMMOND, MICHAEL SMALLWOOD, :
GENE B. MADGETTE, ANTHONY D. :
ROGERS, DARON J. RODGERS, :
STEVEN JOYNER, and TERRENCE :
ROBINSON, :
: :
Plaintiffs, :
: :
v. : Civil Action No. 07-405-JJF :
: :
HEALTHCARE CMS, WARDEN RAPHAEL: :
WILLIAMS, COMMISSIONER CARL C.: :
DANBERG, GOVERNOR RUTH ANN :
MINNER, and MAYOR JAMES M. :
BAKER, :
: :
Defendants. :

AUTHORIZATION

I, Raymond E. Blake, SBI #377092 request and authorize the agency holding me in custody to disburse to the Clerk of the Court all payments pursuant to 28 U.S.C. § 1915(b) and required by the Court's Order dated September ___, 2007.

This authorization is furnished to the Clerk of Court in connection with the filing of a civil action, and I understand that the filing fee for the Complaint is \$350.00. I also understand that the entire filing fee may be deducted from my trust account regardless of the outcome of my civil action. This



authorization shall apply to any other agency into whose custody
I may be transferred.

Date: _____, 2007.

Signature of Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAYMOND E. BLAKE, ANTHONY M. :
WALKER, MICHAEL A. JOY, NAHEIM: :
HAMMOND, MICHAEL SMALLWOOD, :
GENE B. MADGETTE, ANTHONY D. :
ROGERS, DARON J. RODGERS, :
STEVEN JOYNER, and TERRENCE :
ROBINSON, :
: :
Plaintiffs, :
: :
v. : Civil Action No. 07-405-JJF
: :
HEALTHCARE CMS, WARDEN RAPHAEL: :
WILLIAMS, COMMISSIONER CARL C.: :
DANBERG, GOVERNOR RUTH ANN :
MINNER, and MAYOR JAMES M. :
BAKER, :
: :
Defendants. :

O R D E R

Plaintiffs, who proceed pro se, are all presently incarcerated within the Delaware Department of Correction. Five of the Plaintiffs have filed Applications To Proceed Without Prepayment Of Fees pursuant to 28 U.S.C. § 1915. (D.I. 1, 2, 3, 4, 14.)

On July 10, 2007, the Court entered an Order granting the Applications of Plaintiffs Anthony D. Rogers ("Rogers") and Steven Joyner ("Joyner"). (D.I. 10.) The Order required Rogers and Joyner, within 30 days from the date the Order was sent, to submit certified copies of their respective prison trust fund account statement or the institutional equivalent for the six-month period immediately preceding the filing of the Complaint,

or they would be dismissed as Plaintiffs. (D.I. 10.) Rogers timely submitted his trust account statement (D.I. 16); Joyner did not. Therefore, Joyner is **DISMISSED WITHOUT PREJUDICE** as a Plaintiff in this action. Joyner will not be required to pay any portion of the \$350.00 filing fee.

The Court entered a second Order on July 10, 2007, requiring Plaintiffs Michael A. Joy ("Joy"), Naheim Hammond ("Hammond"), Michael Smallwood ("Smallwood"), Gene B. Madgett ("Madgett"), Daron J. Rodgers ("Rodgers"), and Terrence Robinson ("Robinson"), within 30 days from the date the Order was sent, to submit Applications To Proceed Without Prepayment Of Fees pursuant to 28 U.S.C. § 1915 and their trust fund account statements. (D.I. 9) Joy timely complied with the Court's Order. (D.I. 14.) However, to date, the required documents have not been received from Plaintiffs Hammond, Smallwood, Madgett, Rodgers, and Robinson. Therefore, Hammond, Smallwood, Madgett, Rodgers, and Robinson are **DISMISSED WITHOUT PREJUDICE** as Plaintiffs in this action. Plaintiffs Hammond, Smallwood, Madgett, Rodgers, and Robinson will not be required to pay any portion of the \$350.00 filing fee.

Currently pending are the Applications To Proceed Without Prepayment Of Fees pursuant to 28 U.S.C. § 1915 filed by Plaintiffs Raymond E. Blake ("Blake"), Anthony M. Walker, and Joy (D.I. 1, 2, 14.) Consistent with 28 U.S.C. § 1915(a)(1) and (2),

Blake, Walker, and Joy have each submitted: (1) an affidavit stating that he has no assets with which to prepay the filing fee; and (2) a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the above-referenced Complaint. Based on their submissions, their Applications To Proceed Without Prepayment Of Fees pursuant to 28 U.S.C. § 1915 (D.I. 1, 2, 14) are GRANTED.

Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), Plaintiffs Blake, Walker, Joy, and Rogers shall be assessed the filing fee of \$350.00. Plaintiffs are jointly and severally liable for the \$350.00 filing fee. The Court has determined that the \$350.00 filing fee shall be divided among the remaining Plaintiffs. Each Plaintiff shall be required to pay either an initial partial filing of \$19.43, ~~or~~ an initial partial filing fee of 20 percent (20%) of the greater of his average monthly deposit or average monthly balance in the trust fund account.

IT IS HEREBY ORDERED that Plaintiffs shall pay the \$350.00 filing fee as follows:

Raymond E. Blake, SBI #377092, shall, thirty days from the date this Order is sent, complete and return to the Clerk of Court, the attached authorization form allowing the agency having custody of him to forward all payments required by 28 U.S.C. § 1915(b)(2) to the Clerk of the Court. The Court has determined

that Blake has no assets and no means to pay the initial partial filing fee, nevertheless, any money Blake later receives will be collected in the manner described below.

Anthony M. Walker, SBI #553223, shall, within thirty days from the date this Order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of \$9.50 and subsequent payments to the Clerk of the Court.

Michael A. Joy, SBI #519040, shall, within thirty days from the date this Order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward the initial partial filing fee of \$19.43 and subsequent payments to the Clerk of the Court.

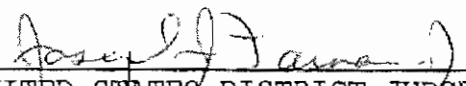
Anthony D. Rogers, SBI #342210, shall, within thirty days from the date this Order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward the initial partial filing fee of \$.60 and subsequent payments to the Clerk of the Court.

THE FAILURE OF ANY PLAINTIFF TO RETURN THE AUTHORIZATION FORM WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THAT PLAINTIFF FROM THIS ACTION WITHOUT PREJUDICE AND POSSIBLE REAPPORTIONMENT OF THE FILING FEE AMONG THE REMAINING PLAINTIFFS. NOTWITHSTANDING ANY PAYMENT MADE OR

REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.

Upon receipt of this Order and the authorization forms, the Warden or other appropriate official at the prison or institution having custody of each Plaintiff shall be required to deduct the stated initial partial filing fee for each Plaintiff as set forth in this Order, from each Plaintiff's trust account when such funds become available, and forward that amount to the Clerk of the Court. Thereafter, absent further Order of the Court, each time that the balance in each Plaintiff's trust account exceeds \$10.00, the Warden or other appropriate official at any prison where each Plaintiff is or may be incarcerated, shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to Plaintiff's trust account and forward that amount to the Clerk of the Court until the \$350.00 filing fee is paid in full.

DATED: September 12, 2007


UNITED STATES DISTRICT JUDGE

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07 CV 405 JJF
Blake

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF _____ COPIES OF AO FORM 85.

(Date forms issued)

(Signature of Party or their Representative)

(Printed name of Party or their Representative)

PLEASE COMPLETE AND RETURN TO THE U.S. DISTRICT COURT

Note: Completed receipt will be filed in the Civil Action

UNITED STATES DISTRICT COURT

District of _____

Plaintiff
V.NOTICE, CONSENT, AND ORDER OF REFERENCE —
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE

Case Number: 07 cv 405 JJF

Defendant

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.